

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation Nos. Electrical No. 55325  
Plumbing No. 55326

Steven W. Floyd  
Design Construct Install LLC  
4918 Linda Avenue  
Nottingham, MD 21236

3104 Northbrook Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on March 25, 2009 and May 19, 2009 for hearings on two citations for violations under the Baltimore County Code (BCC) section 35-2-304 B-1, 21-7-303 A-C, permit required for electrical work in basement (March 25, 2009); section 35-2-304 for working without a plumbing permit, section 35-2-304 (b) (3), penalty for action without permit (May 19, 2009) on residential property known as 3104 Northbrook Road, 21208.

On February 5, 2009, pursuant to §3-6-205, Baltimore County Code, Electrical Board and Inspections Inspector, Jeffrey Baker issued a citation; On March 30, 2009 Plumbing Board and Inspections Inspector, Thomas Sova issued a citation. The citations were sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The Electrical Board citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Plumbing Board citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the March 25, 2009 Hearing and testified: the Respondent, Steve Floyd, Donald Mazor, Esquire representing Steven Floyd; Ida Singer, homeowner; and Jeffrey Baker, Baltimore County Electrical Board Inspector.

The following persons appeared for the May 19, 2009 Hearing and testified: the Respondent Steven Floyd, Donald Mazor, Esquire representing Steven Floyd; Ida Singer, homeowner; and Thomas Sova, Baltimore County Plumbing Board Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued to homeowner Ida Singer, 3104 Northbrook Road, Pikesville, 21208, on January 23, 2009 stating that a permit is required for electrical work in the basement and that all work must be inspected. A Correction Notice was issued to Respondent Floyd on January 22, 2009 for working without plumbing permits. These Citations were issued to Respondent on February 5, 2009 for failure to obtain required electrical permit and on March 30, 2009 for failure to obtain required plumbing permit.

B. Inspector Baker testified that Respondent is not licensed to do electrical work in Baltimore County. He further testified that after receiving a complaint from the homeowner, he inspected the basement and found incorrectly installed electrical wiring and fixtures. He further testified that he found unsafe wiring that was over fused; open splices in the ceiling without a junction box; missing fixtures like outlets and lighting and smoke detectors that are required by code. He further testified that half of the wiring was complete and hooked up for operation, and half was not. On his second inspection, the sheetrock had been removed from the ceiling and walls and he was able to see the wires. Inspector Baker testified that the wire has manufacturing dates printed on it and he could see that the new wiring was two months old. Some older existing wiring had been used also and it was adequate. He testified that the wiring and electrical work would not meet code and he would not pass the work on inspection. He further testified that Baltimore County would not permit Respondent to bring in a licensed electrician after the walls are closed to obtain the permit and inspections; for work that was not done by a licensed electrician, Baltimore County requires that a testing company test and certify the wiring, or that the contractor reopen the walls and obtain a permit and obtain rough-in inspection. Only a County-licensed electrician can obtain a permit. He testified that the Citation was issued after Respondent was given the opportunity on February 6, 2009 to take one of those steps and failed to do so.

C. The Phase I contract between Respondent and the homeowner provides for "Electrical. Rough-in electrical lines for bathroom, exhaust fan, lights and outlets per code (within four feet of each door, every six feet around the room. Also outlets at the computer station and cable and telephone. Rough-in for new kitchen, master suite and existing garage. \$1,500.00." According to documents in the file, the homeowner paid \$7,900.00 in full for this contract on June 26, 2008. The Phase II contract dated July 20, 2008 provides for "Install all new lighting, exhaust fans, fixtures, video and telephone locations. Owner will supply all lighting fixtures and exhaust fan. \$1,400.00. Electrician charge for breakers and panel installation. \$850.00."

D. Respondent Floyd testified that he does not have a Baltimore County electrician's license. He testified that he did some electrical installation work but that he did not feed any new work into the panel and that he was going to have his electrician come in and hook the wiring to the panel. He further testified that some wiring was being run to serve future renovation plans the homeowner had for adding kitchen, garage and master suite spaces. He testified that he intended to bring in his electrician to obtain a permit when they knew the full scope of the job and all the locations for service and appliances, but he was kicked off the job at the end of October and did not have the opportunity to finish.

E. Homeowner Ida Singer testified that after Respondent did not complete the project; she asked to terminate the contract and brought in another contractor to finish the other half of the basement. She testified that the new contractor refused to touch the work that had been done by Respondent until it was inspected by the County. She testified that she called the County for inspections and was told by the County inspectors that the work did not meet code requirements and that required permits had not been obtained for the work. She further testified that there was a dangerous hot wire in the ceiling. She testified that she spent a lot of money to go back and have the work corrected.

F. Inspector Sova testified that he inspected the plumbing work on January 22, 2009 at the homeowner's request. He further testified that he was unable to determine who had actually performed the plumbing work and that he was told the plumber's name was Harry. No permit was obtained for the plumbing work. Inspector Sova further testified that the plumbing work was properly done except that the toilet on the outside wall was placed too far from the wall, in violation of the Plumbing Code; valves on the shower were missing, in violation of Code; and the hot and cold lines were reversed. Some work was incomplete.

G. Respondent Floyd testified that the plumber, Harry Sivah, was an experienced plumber he had worked with on another job, and that he engaged Sivah in the mistaken belief that he was licensed. Respondent Floyd testified that Mr. Sivah works for a Master Plumber. Respondent Floyd further testified that he would have completed all aspects of the job if he had been allowed to do so.

H. Ms. Singer testified that she refused to let Respondent continue the work after November or December 2008. She further testified that she expected Respondent to obtain all necessary permits and inspections, and to use licensed individuals to perform work.

I. Mr. Donald Mazor, Respondent's attorney, stated that Mr. Floyd has been a contractor for twenty-five years, doing most of his work in Baltimore City and that he has a good reputation. He stated that Mr. Floyd employs the son of Ms. Singer and that this job was treated like a family job. He further stated that Ms. Singer had some urgency regarding completion of the job for use by her mother, and that there were communication problems and multiple change requests. He stated that the proposed penalty is excessive and requested consideration of the fact that Respondent was not permitted access to the job to complete needed work.

J. The evidence clearly shows that Respondent failed to obtain required Baltimore County electrical and plumbing permits for the work at this location, and failed to obtain required inspections, and that Respondent and his employees and subcontractors did not possess the Baltimore County electrician's license and Baltimore County plumbing license that were required to perform the work that was done. The electrical work and the plumbing work that was done did not meet code requirements.

The County's licensing, permit and inspection process is designed to protect property owners and to protect public safety, and strict enforcement is appropriate particularly where a licensed contractor attempts to evade the permit requirements. Under the County's general code enforcement authority, County Code Article 3, Title 6, it is appropriate to enforce the two Citations and impose a civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars), jointly and severally, against Respondent Steven W. Floyd and Respondent Design Construct Install LLC.

ORDERED this 5<sup>th</sup> day of June 2009.

Signed: ORIIIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.